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## ABSTRACT

- Secure juvenile facilities are often referred to as juvenile jails.
- However, secure facilities for juveniles should not be considered the same as a prison for minors.
- Time spent in detention is centered on attempting to help juveniles develop a sense of stability, form constructive habits, and give them the ability to make positive life choices.

## INTRODUCTION

- There are significant differences between juvenile detention and the adult prison system.
- For the adult prison system, emphasis is placed on due process, retribution and “appropriate” punishment for every conviction or possible infraction of the law.
- In contrast, the juvenile detention system seeks to rehabilitate the individual and incorporates a number of measures to help safeguard a juvenile’s civil rights (Zahn et al., 2007).
- The juvenile court system will take into account an offender’s family background and academic record.
- In addition, the age of the juvenile, mental maturity, along with the nature of the offense are taken into account. Such considerations help to protect the juvenile from being tried unfairly as an adult (Branson et al., 2017).
- Therefore, the juvenile court system has the potential of giving the individual a more constructive method of dealing with the legal system (Branson et al., 2017).

## LEGAL PROCEDURES

- There are differences in legal procedures and terminology between adult court and the juvenile system. Such differences would include the following:
  - Adults are arrested while juveniles will be taken into custody.
  - Adults are indicted while juveniles are petitioned.
  - Adults will have a sentencing hearing while juveniles will experience a disposition.
  - While adults can plea bargain, juveniles will have case adjustments.
  - Adults will go to trial while juveniles will experience an adjudication or fact-finding hearing.
  - Adults, if convicted and sentenced, will be sent to a prison or jail. However, juveniles who are sentenced have options including going to a secure or non-secure youth facility, treatment training school, or release into custody of guardians.

## LEVEL OF MATURITY

- Individuals under the age of 18 years, as compared to adults, are more intellectually and emotionally immature.
- Youth who enter the juvenile system may have behavioral and/or emotional deficiencies (Gudjonsson et al., 2019).
- In addition, juveniles are less likely to understand and therefore more likely to waive their Miranda rights.
- Therefore, juveniles have a greater likelihood of undergoing interrogation procedures without legal representation and incur other violations of their legal rights.

## ASSESSMENT

- Testing and assessment is an important part of the juvenile justice system. Assessment instruments include:
  - Comprehension of Miranda Rights (CMR)
  - Function of Rights in Interrogation (FRI)
  - Wechsler Intelligence Scale for Children V (Gudjonsson et al., 2019).

## RECIDIVISM

- According to the “Missouri Model,” emphasis should be placed on therapy and education with the purpose of preventing juveniles from becoming adults in prison (Kretschmar et al., 2015).
- However, many juveniles who are released from juvenile detention centers reenter the system after 30 days even without committing an additional offense.
- A large number of returns (estimated at 25 to 30 percent) to the juvenile system is because of status offenses. Such offenses may be considered technical violations to probationary terms. Status offenses have included reported “bad attitudes,” breaking curfew, truancy, and “unkept living quarters.”
- It has been estimated that over 30 percent of re-entries into the juvenile detention system are due to non-violent status offenses. In addition, some sources report that as much as 75 percent of youth in the juvenile detention system are detained for non-violent offenses and if released would pose no threat to the local community (Chavez-Garcia, 2012).
- One positive note is that over the past decade juvenile incarcerations rates have declined. Such a decline is at least due in part to a more favorable public and governmental attitude towards the training and rehabilitation of youthful offenders as opposed to the opinion that all offenders should receive “appropriate punishment” for their offenses (Gudjonsson, 2010).



## RACISM

- Racism appears to play a role in the juvenile system.
- Although composing only 14 percent of the general population, as much as 42 percent of juvenile justice system youth are African-American.
- In addition, while only having one percent of the general population, over three percent of Native American youth are in the juvenile detention system. Such statistics may serve to convince judges to consider alternative solutions to incarceration (Cabaniss et al., 2007).



## CONCLUSION

- Many juveniles are inexperienced, and intellectually and emotionally immature. These individuals are often submissive to authority figures and in the adult criminal justice system would be unable to assert themselves to protect their rights.
- Many of the juveniles are at a disadvantage from birth and have been subject to abuse their entire life. The juvenile justice system, although in need of reform, does serve to protect youth compared to the adult court system (Wolff et al., 2018).
- The juvenile justice system while far from perfect does implement a number of necessary safeguards.

## REFERENCES

References are available upon request.